

REMARKS

Claims 1-6, 10 and 14 have been amended and new claims 37- 42 have been added. Original claim 15 has been cancelled.

Claim 1 has been amended such that it relates to materials that are non toxic to humans and claims 1-6 have been amended so that it is clear that the measurement of weight loss of the initial body weight is conducted during the initial phase. The basis for the amendments can be found in original claim 15.

Claim 14 has been amended such that the rodents are euthanized prior to the post mortem examination. Basis for the amendment can be found in the examples and in particular on page 9, paragraphs 1 and 2.

New claims 37 to 39 relate to a method which includes a further phase of testing following said initial phase. The basis for the claims can be found on page 3 paragraph 4 and in the examples where it is shown that the rats lose weight in the initial phase are then further monitored and survive the test. Basis for the duration of the initial phase can be found on page 3 paragraph 5.

Finally new claims 40 to 42 have been added which relate to the subject matter of withdrawn claims 7 to 9.

DETAILED ACTION
Claim Rejections - 35 USC 102

The Examiner has rejected claims 1-6 and 10-15 under 35 USC 102(b) as anticipated by Henshaw (WO 97/555470).

The Applicants submit that the present invention relates to a method of screening water-retentive candidate materials wherein the method involves measuring weight loss in the rodents during an initial phase of the testing and selecting those candidate materials which lead to a mean weight loss of at least 15% of initial body weight.

In contrast the invention in Henshaw relates to the discovery of a particular type of rodenticide which comprises a cellulosic material (see abstract). This particular type of rodenticide is tested for its effectiveness at various dose levels (see examples).

Henshaw does not provide a method of screening candidate materials (i.e. any water-retentive materials that may be considered to be potentially useful as rodentacides), still less does not teach a screening method which is dependent upon weight loss during an initial phase of testing.

Consequently the Applicants submit that the claims are not anticipated by Henshaw.

Claim Rejections -35 USC 103

The Examiner has rejected claims 1-6 and 10-15 as being unpatentable over Takashi and Henshaw in view of NCI '76.

In response the Applicants submit that Takashi describes a water absorbing resin which is used for the extermination of rats. Takashi does not disclose the water-retentive materials according to the present invention, does not disclose a method of screening materials and does not teach a screening method which is dependent upon weight loss during an initial phase of testing, whilst NCI '76 merely provides guidelines for carcinogen bioassay in small rodents.

The present invention relates to the surprising discovery that some water-retentive materials which appear not to be effective in laboratory testing are in actual fact effective in the field

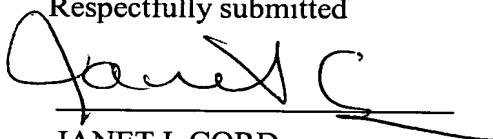
(see page 1 paragraph 3 and page 3 paragraph 3). The present invention provides a method of identifying those materials that would be effective in the field and this identification process is based on weight loss in the rodents during an initial phase of testing. Consequently materials that would have previously been disregarded can now be identified as useful. This is neither disclosed or suggested in any of the cited art.

Consequently the Applicants believe the present invention is both novel and non obvious over the cited art.

Therefore, it is respectfully requested that the rejection be withdrawn.

Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted



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